

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

KENNETH R. KUNZER, for himself and all
others similarly situated,

Civil No. 20-0882 (JRT/KMM)

Plaintiff,

ORDER

v.

LISA A. HINIKER, et al.,

Defendants.

Plaintiff Kenneth R. Kunzer filed an objection to the June 3, 2020 Report and Recommendation of Magistrate Judge Katherine M. Menendez. *See* ECF No. 16. After a *de novo* review of Kunzer's objection, this Court adopts the Report and Recommendation of the Magistrate Judge.

ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT:**

1. The June 3, 2020 Report and Recommendation of Magistrate Judge Katherine M. Menendez [ECF No. 16] is **ADOPTED** and the objection of plaintiff Kenneth R. Kunzer [ECF No. 17] is **OVERRULED**.
2. This matter is **DISMISSED** as follows:
 - a. The claims arising under federal law are **DISMISSED WITH PREJUDICE** as frivolous.

- b. The claims arising under state law are **DISMISSED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.
3. Kunzer's motion to vacate the state-court order [ECF No. 10] is **DENIED AS MOOT**.
4. Kunzer is restricted from filing any new litigation against any of the defendants to this matter, or litigation that is otherwise related to the Herschler estate, without the prior approval of a judicial officer of this District.

DATED: June 17, 2020
at Minneapolis, Minnesota.

s/John R. Tunheim
JOHN R. TUNHEIM
Chief Judge
United States District Court